

REMARKS

The Office Action has been carefully considered and the foregoing amendment made in response thereto. Prior to entry of this paper, the present status of the application is as follows:

- Claims 1-25 are pending in the application.
- Claims 1, 9, 10, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coplans (U.S. Pat. No. 3,550,597) in view of Dubner (U.S. Pat. No. 3,903,621) and Krauter et al. (U.S. Pat. No. 5,915,820).
- Claims 1, 5, 6, 8-11, 15-17, 19-21, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderié (U.S. Pat. No. 4,922,631) in view of Dubner (U.S. Pat. No. 3,903,621) and Krauter et al. (U.S. Pat. No. 5,915,820).
- Claims 22, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderié (U.S. Pat. No. 4,922,631) in view of Dubner (U.S. Pat. No. 3,903,621) and Krauter et al. (U.S. Pat. No. 5,915,820), in further view of Nagano (U.S. Pat. No. 5,446,977).
- Claims 2-4, 11-14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coplans (U.S. Pat. No. 3,550,597) and Anderié (U.S. Pat. No. 4,922,631), in view of Dubner (U.S. Pat. No. 3,903,621) and Krauter et al. (U.S. Pat. No. 5,915,820).
- Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Coplans (U.S. Pat. No. 3,550,597) and Anderié (U.S. Pat. No. 4,922,631), in view of Dubner (U.S. Pat. No. 3,903,621) and Krauter et al. (U.S. Pat. No. 5,915,820), in further view of Eisenbach et al. (U.S. Pat. No. 4,815,222).

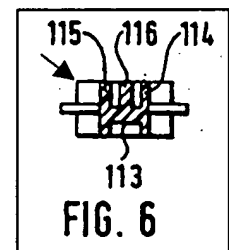
In view of the above amendment and following remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-4, 6-21, and 23-25.

1. Applicant thanks Primary Examiner Stashick for participating in an in-person interview with Applicant's undersigned representative held on 23-Jul-02, at the U.S. Patent and Trademark Office. During this interview, the Examiner referred to the cited art and clarified the nature of the claim rejections. Consequently, Applicant has amended, herein, independent claims 1 and 21 to address the issues the Examiner raised.
2. Applicant has amended independent claim 1 to specify that the claimed article of footwear is a cycling shoe. This does not represent new matter, since a cycling shoe is disclosed in the application, as filed, as a particular type of article of footwear. Specification, p. 1, ll. 5-6.

Further, claim 1 has also been amended herein to include the limitations of dependent claim 5 (i.e., a rib), and claim 5 has been canceled, without prejudice. Applicant has clarified the structure of the rib (see, e.g., Specification, p. 6, ll. 2-4; Figure 1) by describing its profile in claim 1. Specifically, Applicant's claimed rib has a profile that projects beyond the adjacent surface of the torsion system.

3. Applicant has amended independent claim 21 to include the limitations of dependent claim 22 (i.e., a cycling shoe), and canceled claim 22, without prejudice. Further, claim 21 has similarly been amended to include the limitation of a rib. As with claim 1, Applicant has clarified the structure of the rib in claim 21 by describing that the profile of the rib projects beyond the adjacent surface of the torsion system.

4. Applicant respectfully submits that the amendments made herein to independent claims 1 and 21 are sufficient to distinguish over the cited references, either alone or in proper combination. In particular, Coplans (U.S. Pat. No. 3,550,597), Dubner (U.S. Pat. No. 3,903,621), Kraeuter et al. (U.S. Pat. No. 5,915,820), and Anderié (U.S. Pat. No. 4,922,631) do not disclose a cycling shoe. Moreover, none of these references, nor Nagano (U.S. Pat. No. 5,446,977) or Eisenbach et al. (U.S. Pat. No. 4,815,222), disclose a rib that projects beyond the adjacent surface of a torsion system. Although the Office Action does refer to ribs 114, 115, 116 disclosed in Anderié (Office Action, p. 4), the Anderié ribs do not have the profile claimed by Applicant. Specifically, Applicant has claimed a rib profile that projects beyond the adjacent surface of the torsion system. Examination of Anderié Figure 6 (shown at right) demonstrates that the ribs 114, 115, 116 (more correctly, "limb portions" as described in Anderié at col. 5, ll. 18-23) extend beyond what the Office Action refers to as the base 113. Office Action, p. 4.



Nevertheless, "base 113" is described as the "flat strip portion 113 of the bar 110." Col. 5, ll. 22-23 (emphasis added). Bar 110 is apparently represented by the rectangular outline in Anderié Figure 6, as indicated by the arrow annotation. Because the flat strip 113 is only a "portion" of the overall bar 110, and with reference to Anderié Figure 6, it is clear that the limb portions 114, 115, 116 do not project beyond the surface of the bar 110. Further, Anderié discloses only that the limb portions 114, 115, 116 project beyond the flat strip portion 113, not beyond the entire bar 110. Col. 5, ll. 21-27. Accordingly, Applicant's requirement that the profile of the rib

project beyond the adjacent surface of the torsion system is distinguishable over at least this aspect of Anderié.

5. In view of the above, Applicant respectfully submits that claims 1 and 21 are clearly and patentably distinguished over the cited references, either alone or in proper combination, and are therefore allowable. Because the remaining claims depend, directly or indirectly from independent claim 1 or 21, Applicant respectfully submits that the remaining claims are allowable as well.

Applicant requests reconsideration and withdrawal of the rejection of:

- Claims 1, 9, 10, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Coplans in view of Dubner and Kraeuter et al.
- Claims 1, 6, 8-11, 15-17, 19-21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Anderié in view of Dubner and Kraeuter et al.
- Claims 23 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Anderié in view of Dubner and Kraeuter et al., in further view of Nagano.
- Claims 2-4, 11-14, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Coplans and Anderié, in view of Dubner and Kraeuter et al.
- Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Coplans and Anderié, in view of Dubner and Kraeuter et al., in further view of Eisenbach et al.

6. Applicant has added independent claim 26 that, similar to claim 1, is directed to a torsion system for a cycling shoe. This does not represent new matter, since it was disclosed in the application, as filed, at, for example, p. 5, ll. 17-25, and in Figures 2A1-2A3. Claim 26 also includes a rib that projects beyond an adjacent surface of the torsion system. Support for this element can be found in the Specification at, for example, p. 6, ll. 2-4. Applicant respectfully submits that the presence of the rib element clearly and patentably distinguishes Applicant's claimed invention over the cited references, either alone or in proper combination, and that claim 26 is therefore allowable.

7. Lastly, Applicant notes that the Office Action reports that "an additional one month extension has been charged to the [deposit] account" because Applicant's last submission (a Request for Continued Examination ("RCE")) was filed on 8-May-02 instead of 6-May-02. Office Action, p. 2.

On 6-Feb-02, Applicant responded to the previous final Office Action (mailed on 6-Dec-01) with an Amendment and Response Under 37 C.F.R. §1.116. Accordingly, Applicant's Amendment and Response was timely filed on the two-month date. A subsequent Advisory Action was mailed on 11-Mar-02. Per MPEP §706.07(f), the shortened statutory period for replying to the final Office Action expired on 11-Mar-02, meaning that the two-month extension Applicant filed with the RCE permitted the filing of the latter until 11-May-02. Consequently, the 8-May-02 RCE was timely filed, and no additional fees for an extension of time were required. Applicant has filed a request with the Deposit Account Division for a credit of \$520.00 (the difference between a two-month and a three-month extension of time) to the Applicant's representative's deposit account number 20-0531. Applicant would appreciate the Examiner's assistance in facilitating the application of this credit.

CONCLUSION

In view of the foregoing, Applicant submits that claims 1-4, 6-21, and 23-26 are clearly and patentably distinguished over the cited references, either alone or in proper combination, and are therefore allowable. Applicant respectfully requests entry of this Amendment and Response, reconsideration, and early favorable action by the Examiner.

The Examiner is cordially invited to contact Applicant's undersigned representative at the number listed below to discuss any outstanding issues.

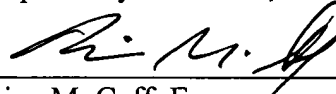
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VERSION OF AMENDED ITEMS WITH MARKINGS TO SHOW CHANGES MADE

October 23, 2002

IN THE CLAIMS:

1. (Four times amended) A torsion system for a cycling shoe ~~an article of footwear~~ including a sole with a forefoot area and a rearfoot area, the torsion system including a longitudinal axis and comprising:
 - a forefoot portion of the torsion system spanning substantially the entire forefoot area of the sole from a midtarsal area to a toe area and from a lateral side to a medial side, the forefoot portion having a generally smooth concave contour along the longitudinal axis;
 - a rearfoot portion of the torsion system spanning substantially the entire rearfoot area of the sole from the midtarsal area to a heel area and from the lateral side to the medial side; and
 - an intermediate portion of the torsion system coupling the forefoot portion and the rearfoot portion, and constructed of a material and configured to allow, in a pre-selected manner, rotation of the forefoot portion relative to the rearfoot portion about the longitudinal axis, wherein the intermediate portion includes a rib that projects beyond an adjacent surface of the torsion system.
21. (Four times amended) A cycling shoe ~~An article of footwear~~ including a sole with a forefoot area and a rearfoot area and a torsion system, the torsion system comprising:
 - a sole plate rigid in a horizontal plane and including a longitudinal axis, the sole plate comprising:
 - a forefoot portion of the sole plate spanning substantially the entire forefoot area of the sole from a midtarsal area to a toe area and from a lateral side to a

medial side, the forefoot portion having a generally smooth concave contour along the longitudinal axis;

a rearfoot portion of the sole plate spanning substantially the entire rearfoot area of the sole from the midtarsal area to a heel area and from the lateral side to the medial side; and

an intermediate portion of the sole plate coupling the forefoot portion and the rearfoot portion and constructed of a material and configured to allow, in a pre-selected manner, rotation of the forefoot portion relative to the rearfoot portion about the longitudinal axis, wherein the intermediate portion includes a rib that projects beyond an adjacent surface of the sole plate.

23. (Amended) The cycling shoe ~~article of footwear~~ of claim 21, further comprising an upper.

24. (Amended) The cycling shoe ~~article of footwear~~ of claim 21, further comprising an outsole.

25. (Amended) The cycling shoe ~~article of footwear~~ of claim 21, further comprising a cleat attachment system disposed on the forefoot portion.